

Including the Cabinet. So at least to save your face conduct an inquiry.

I am not going to withdraw my Resolution. I press it.

SHRI F. A. AHMED : The hon. Member has drawn attention to the licences. We have referred all these cases to the Dutt Committee and when the report is before us it will be possible for us to know the exact position and decide what action is to be taken.

श्री सतिश भूषण : दत्त कमेटी की रिपोर्ट कब तक आ जायेगी ?

SHRI F. A. AHMED : By June we expect it.

SHRI S. K. UNDU : After that report is received will you attend an enquiry commission ?

MR. SPEAKER : He has answered that point : he has said 'No'. Therefore, it does not arise now.

I shall now put the amendment of Mr. S. M. Banerjee to the vote of the House.

The question is :

That in the resolution,—
add at the end—

"and the Commission should be instructed to submit its report within three months".

The motion was negatived.

MR. SPEAKER : The question is :

"Having regard to the seriousness of the charges that have been levelled against the Birla Group of concerns by very responsible persons including Members of Parliament, this House is of opinion that a High Power Commission should be appointed by the Government to go into those charges and recommend appropriate action."

The resolution was negatived.

16.27 hrs.

RESOLUTION RE. ABOLITION OF PRIVY PURSES

श्री रवि राय (पुरी) : अध्यक्ष महोदय,

भ्राज में राजाओं के निजी कोष के बारे में जो प्रस्ताव रखना चाहता है वह इस प्रकार है :

"इस सभा की राय है कि भारतीय रियासतों के भूतपूर्व शासकों को निजी थलियों की करमुक्त भ्रदायगी को तथा उनके विशिष्ट विशेषाधिकारों को जारी रखना संविधान में उल्लिखित लोकतंत्रीय तथा मानवीय समानता के सिद्धांतों के विरुद्ध है, और इसलिए सरकार से सिफारिश करती है कि इन भ्रदायगियों के उत्पादन-कार्य को पूरा करने के लिए कार्यपालिक तथा विधायी दोनों प्रकार के सभी आवश्यक कदम उठाये परन्तु सीधे पुनर्वास हेतु निजी थली की वार्षिक रकम की सात गुना अथवा दस लाख रुपये की इकमुश्त भ्रदायगी, जो भी कम हो, 2 अक्टूबर, 1969 तक कर दे।"

अध्यक्ष महोदय, मैंने इस प्रस्ताव को कानूनी बहस के लिए सदन के सामने नहीं रखा है। यह एक सिद्धांत का सवाल है, मानवीय मूल्यों का सवाल है और गणतान्त्रिक तथा प्रजातान्त्रिक मूल्यों का सवाल है। इसी पृष्ठ-भूमि में इस सदन में इस प्रस्ताव पर बहस की जानी चाहिए। सन 50 के बाद हमारा राष्ट्र एक गणराज्य घोषित किया गया। एक साधारण तंत्र या प्रजातन्त्र में हम नागरिकों के समान अधिकार के सिद्धांत को मानते हैं। इस समान अधिकार को मानते हुए भी हमने एक विशिष्ट वर्ग के राजा-महाराजाओं को, संविधान के अन्तर्गत, स्टैट्यूटरी प्राविजन के रहते और सरकार के हुकम से कुछ सुविधायें और निजी कोष दिया है। लेकिन इन दोनों बातों में सख्त विरोधाभास है। इसी विरोधाभास को खोलने के लिए आज मैं इस बुनियादी बहस को उठा रहा हूँ। वास्तव में राजा महाराजाओं का इतिहास क्या है, उसके बारे में हमें सोचना विचारना चाहिए।

[श्री रवि राय]

राजा महाराजाओं के बारे में मैं इतना ही कहना चाहता हूँ कि जब ब्रिटिश सरकार हमारे देश में थी और उसके पहले जब मुगुल साम्राज्य-शाही थी, उन दोनों के अधीन ये राजे-महाराजे काम करते थे। ब्रिटिश साम्राज्यशाही के खिलाफ जब महात्मा गांधी के नेतृत्व में सारा देश एक होकर लड़ता था और उनको इस देश से हटाने की कोशिश करता था तो आप स्वयं जानते हैं कि अधिकांश राजे महाराजे ब्रिटिश सरकार का साथ देते थे और प्रजा के ऊपर बहुत भ्रत्याचार करते थे। उस भ्रत्याचार का किस्सा अगर मैं बताऊंगा तो बहुत समय लग जायेगा। मैं इतना ही कहूँगा कि मैं जिस राज्य, उड़ीसा से आया हूँ, वहाँ पर बहुत रियासतें थी। मैं उड़ीसा के एक ही राज्य का यहाँ पर जिक्र करना चाहता हूँ और वह राज्य है—डेकानाल। गृह मंत्री महोदय भी जानते होंगे कि उस राज्य के राजाओं ने वहाँ की प्रजा के ऊपर किस तरह से भ्रत्याचार किया। उपाध्यक्ष महोदय, मैं डेकानाल की प्रजा को बर्खास्त देना चाहता हूँ वहाँ की जनता ने प्रजा मण्डल के नेतृत्व में वहाँ के राजा के खिलाफ विद्रोह किया था। मैं एक ही किस्सा आपके सामने कहना चाहता हूँ—आप जानते होंगे कि 1938 में वहाँ पर भ्रत्याचार इतना ज्यादा बढ़ गया था कि व्यापक रूप से प्रजा मण्डल के कमियों और ग्रामवासियों की औरतों के साथ बलात्कार किये गये, जिसके कारण हजारों की तादाद में लोगों को वहाँ से भागकर अनुगुल इलाके में चले जाना पड़ा, जहाँ हिज्जारात कैम्प के नाम से एक शिविर बनाया गया और बाद में गांधी जी ने ठक्कर बापा को वहाँ भेजा। उन औरतों ने जो गवाहियाँ दीं किस तरह से राजा के गुण्डों ने व्यापक रूप से गाँव में घुस कर प्रजा मण्डल के समर्थकों की औरतों के साथ बलात्कार किया वह बड़ा हृदय विदारक था।

इस तरह से जो बलात्कार हुए और ब्रिटिश सरकार का साथ जिस तरह से राजा-महाराजाओं

ने दिया—हिन्दुस्तान में प्रजातन्त्र की प्रतिष्ठा के बाद, गणतन्त्र की प्रतिष्ठा के बाद, 1960 में अपना संविधान लागू करने के बाद संविधान और कानून में उन को जिस तरह से विशेष सुविधायें और प्रीवी पर्स (निजी कोष) की जो सुविधा दी गई—वह हमारे गणतन्त्र की भावना के विरुद्ध थी।

सरदार वल्लभ भाई पटेल जो हमारे देश के महान नेता थे, जिन्होंने हिन्दुस्तान की 550-600 रियासतों को मिलाकर एक मजबूत गणतन्त्र की नींव डाली, उस समय यह खराबी रह गई थी कि जिन राजा महाराजाओं ने ब्रिटिश सरकार का साथ दिया था बजाय इसके कि उनको जेल में बन्द किया जाता, उनका स्वागत किया गया, उन को राजप्रमुख बनाया गया, गरीबों का शोषण करने के लिए उनको निजी कोष दिया गया, एक विशिष्ट वर्ग हिन्दुस्तान में कायम कर दिया गया—जो कि प्रजातन्त्र के सिद्धांत के बिल्कुल खिलाफ था।

अक्सर एक तर्क दिया जाता है कि पटेल साहब ने उनके साथ वायदा किया था। अगर हम निजी कोष बन्द कर देंगे तो यह वायदा-खिलाफ़ी होगा। मैं आपकी आज्ञा से सरदार पटेल के भाषण के एक अंश को उद्धरित करना चाहता हूँ—

“The so-called lapse of paramountcy was a part of the Plan announced on June 3, 1947, which was accepted by the Congress. We agreed to this arrangement in the same manner as we agreed to the partition of India. We accepted it because we had no option to act otherwise.”

कोई और चारा नहीं था, जिस तरह से देश का बटवारा हुआ, वह कुछ नेतृत्व की कमजोरी थी—इस को मानना पड़ेगा। इस पृष्ठभूमि में सरदार पटेल का कहना था कि हमारे सामने और कोई विकल्प नहीं थी, इस लिए हमको यह काम करना पड़ा। इस लिए वे खुद इस चीज को कहते हैं।

कुछ लोग कहते हैं कि रियासतें सार्वभौम थी, सौवरन थी। इस सम्बन्ध में भी मैं एक उद्धरण देना चाहता हूँ। उस जमानेमें जब निजाम साहब ने एक बार अपने आप को सौवरन कहा तो लार्ड रीडिंग ने निजाम साहब को एक खत लिखा और कहा—

"The sovereignty of the British Crown is supreme in India, and therefore, no ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements."

तो इससे पता चलता है कि हम कुछ सेना के बल पर आपको अपने अधीन लाये हैं, इसीलिये आप ऐसे ही कह दें कि सिर्फ ट्रीटीज के ऊपर हमारा सम्बन्ध है, इसमें कोई तथ्य नहीं है, यह लार्ड रीडिंग का कहना है। देश के आजाद होने के बाद यह सारे के सारे हिन्दुस्तान के जो वाशिन्दा लोग हैं, जो प्रजा है, नागरिक है यह हिन्दुस्तान के सार्वभौम हैं। कोई खास रियासत यहां हिन्दुस्तान का सार्वभौम नहीं है। सार्वभौमत्व का यही मतलब है।

इस सिलसिले में कुछ लोग यह तर्क करते हैं कि एक वादा हम लोग किये, सारा राष्ट्र एक बचन दिए हैं कि इन लोगों को इस तरह से निजी कोष और दूसरा भत्ता हम लोग देंगे। अध्यक्ष महोदय, आपको ताज्जुब होगा यह जानकर कि इन राजा महाराजाओं को इसको छोड़कर और कितनी सुविधायें यह सरकार दिए है। एक तो—

Free medical attendance and treatment to Rulers and their families in Government Hospitals.

और दूसरा है—

Provision of armed palace guards at the official residences of rulers.

Provision of escorts for Rulers and their families while travelling, on payment of appropriate charges.

Rights of the Rulers and their consorts to fly their own flag on their residences, cars and aeroplanes.

Rulers and the members of their families are given certain exemption under the Indian Arms Act, 1959 and the rules thereunder.

Privy purse of the Rulers is exempt from both incometax and super tax and also from the computation of total income and world income.

Annual rental value of the official residences of a Ruler is exempt from income tax.

Rulers are permitted, under the Motor Vehicles Act, to have their cars registered and to take out driving licences without any payment.

Exemption of Rulers from local taxation has been left to the State Governments for decision, the general intention being that the position obtaining prior to 15th August, 1947 should be continued. The States were advised that in the event of house-tax being levied or in or extended to the areas formerly constituting the States, the main residential palaces of the Rulers should be exempt from the tax.

यह सब बहुत सी सुविधायें उन को दी जाती हैं। उसके बाद जो उनको और दूसरी सुविधायें दी जाती है वह सबसे ज्यादा खतरनाक है जो सिविल प्रोसीजर कोड के सम्बन्ध में उन को दी गई हैं। उसमें कहा गया है :

The provisions of section 85 and of sub-sections (1) and (3) of section 86 shall apply in relation to the Rulers of any former Indian State as they apply in relation to the Ruler of a foreign State.

अब देखिये, अध्यक्ष महोदय, कि फार्म स्टेट का जो रूलर है उसको जो सुविधायें मिलती थी सिविल प्रोसीजर कोड के संबंध में इनको भी वही सुविधायें मिलेंगी।

फिर इसके बाद क्रिमिनल प्रोसीजर कोड में भी उनको सुविधायें मिली हैं :

'former Indian State' means any such Indian State as the Central Government may, by notification in the Official Gazette, specify for the purposes of this section.

[श्री रिव राय]

'Ruler' in relation to a former Indian State means the person who for the time being is recognised by the President as the Ruler of that State for the purposes of the Constitution. तो क्रिमिनल प्रोसीजर कोड और सिविल प्रोसीजर कोड इन दोनों में उन को इस तरह रियायत दी गई है और इस सिलसिले में मैं आपकी खिदमत में एक और चीज रखना चाहता हूँ कि सुप्रीम कोर्ट के प्रधान विचारपति श्री गजेन्द्र गडकर साहब ये तो इस सिलसिले में जो सिविल प्रोसीजर कोड और क्रिमिनल प्रोसीजर कोड में विशेष सुविधायें उन को दी जा रही थीं, उसके ऊपर शिकायत करते हुए अपने जजमेंट में वह लिखे थे :

We would like to invite the Central Government to consider seriously whether it is necessary to allow S. 87B (Civil Procedure Code) to operate prospectively for all time. The agreements made with the Rulers of Indian States may, no doubt, have to be accepted and the assurances given to them may have to be observed. But considered broadly in the light of the basic principle of the equality before law, it seems somewhat odd that S. 87B should continue to operate for all time. For past dealings and transactions, protection may justifiably be given to Rulers of former Indian States; but the Central Government may examine the question as to whether for transactions subsequent to the 26th January, 1950, this protection need or should be continued. If under the Constitution all citizens are equal, it may be desirable to confine the operation of S. 87B to past transactions and not to perpetuate the anomaly of the distinction between the rest of the citizens and Rulers of former Indian States. With the passage of time, the validity of the historical considerations on which S. 87B is founded will wear out and the continuance of the said section in the Code of Civil Procedure may later be open to serious challenge.

यह जो भूतपूर्व चीफ जस्टिस का कहना है इस सिलसिले में सरकार ने कोई विचार नहीं

किया और अभी भी उनको वही सुविधायें मिलती हैं जो पहले से मिलती चली आ रही हैं। अभी हम लोग बिड़ला के बारे में बहस कर रहे थे कि किस तरीके से 200 करोड़ से 500 करोड़ रु० के उनके असेट हो गये। लेकिन 1950 से अभी तक इन राजा, महाराजाओं को भारत के कोष से जो 105 करोड़ रु० दिया गया है जो इन्कम टैक्स से मुक्त है, इतने गरीब देश की कमायी से इतना रुपया जो राजाओं और महाराजाओं को दिया गया है पिछले 19 साल से इससे अंदाजा लगा सकते हैं कि इस सरकार का जो कथन है कि हम देश में समाजवाद और प्रजातंत्र स्थापित करना चाहते हैं वह कितना झूठा वायदा है। इस सिलसिले में कुछ लोगों के तर्क का खण्डन मैं इस तरह से करना चाहता हूँ, वह तर्क यह है कि जो हमने वायदे कर रखे हैं, काट्टेकट कर रखा है उसको तोड़ नहीं सकते, इसके खंडन में मेरा कहना यह है कि संविधान के डायरेक्टिव प्रिन्सिपल्स के चलते सारे देश में मुफ्त प्राथमिक शिक्षा, बेकारों को काम और रहने को मकान देने का सरकार ने वायदा किया था। लेकिन पिछले 20, 22 साल में सरकार ने पूंजीवाद और सामन्तशाही की नींव को मजबूत किया और लोगों को कुछ सुविधा नहीं दी जो कि डायरेक्टिव प्रिन्सिपल्स के अनुसार सरकार को देनी चाहिए। क्या उस वचन का पालन करने का सरकार का दायित्व नहीं है। और दूसरी तरफ कुछ इने-ग्रिने राजा-महाराजाओं को, जिन्होंने सदियों से गरीब लोगों का खून चूस कर जायदादें कमायी हैं उन को सरकार 105 करोड़ रु० दे रही है। यह क्या तरीका है? यह कैसा प्रजातन्त्र है। हिन्दुस्तान में प्रजातन्त्र के साथ इस तरह से सामन्तशाही का तत्व मौजूद है। इसलिए मैं कहना चाहता हूँ कि जो प्रजातन्त्र हमारे देश में कायम किया गया है वह इस तरह से कमजोर होता है, मजबूत नहीं होता। आप कहते हैं कि हम अपने वायदे से कैसे पीछे जा सकते हैं? मैं

आपको उदाहरण देना चाहता हूँ कि 1956 में स्पेज कैनल का राष्ट्रीयकरण नासिर ने किया तो ग्रंथेज सरकार का कहना था कि आपने हमारे साथ कांटेक्ट किया था इसलिए जो राष्ट्रीयकरण कर दिया यह गलत है और वह इस मामले को वर्ल्ड कोर्ट में भी ले जाने की सोचते थे। हमें दुख है कि माननीय राजगोपालाचार्य जी का कहना है और वह उकसाते हैं राजाओं, महाराजाओं को कि तुम वर्ल्ड कोर्ट में जाओ न्याय पाने के लिए। मेरा कहना है कि यह कोर्ट का सवाल नहीं है, यह तो प्रश्न जनता के सामने रखना चाहिए और जनता ही इसको तय कर सकती है।

दुनिया के जो सबसे बड़े कानून के पंडित हैं, श्री कुपलैंड उनका एक उद्धरण मैं सदन को पढ़ कर सुनाना चाहता हूँ :

"No compact can endure when owing to the evolution of ideas it has ceased to square with general conceptions of right and wrong. And certainly things no longer stand in India as they stood when most of the treaties were made."

तो हम लोग बदलती हुई स्थिति में जो पुरानी संधियाँ हैं, कांटेक्ट हैं, करोड़ों जनता के स्वार्थ को देख कर, हम उसमें बदलाव कर सकते हैं। उसमें कोई तत्व नहीं है। मेरा जो प्रस्ताव है उसके बारे में इतना ही कहूँगा कि पिछले दो साल से चव्हाण साहब ने वायदा किया है कि पहला कदम उठाएँगे... कि जो विशेष सुविधायें हैं उनको खत्म करेंगे। लेकिन उस सिलसिले में कुछ नहीं हुआ। यह वायदा करने के बाद, बचन देने के बाद जनता उम्मीद करती है कि सरकार कुछ करेगी। कम से कम स्पेशल प्रिविलेज को खत्म करेगी। लेकिन कुछ नहीं हुआ अभी तक।

दूसरा जो निजी कोष के बारे में चव्हाण साहब का कहना था कि हम इस को आहिस्ता-आहिस्ता खत्म करेंगे, लेकिन अभी तक कुछ नहीं हुआ। असल में क्या नहीं

हुआ, इसका कारण हम दूँगे तो कांग्रेस के अन्दर कई राजे-महाराजे हैं जो कांग्रेस के सदस्य हैं, नेता हैं और कैबिनेट मंत्री भी हैं और चव्हाण साहब समझते हैं कि इससे हमारा बँलैस, हमारे कांग्रेस दल का बँलैस खत्म हो जायेगा, साथ ही कांग्रेस टूट सकती है केन्द्र में। तो इस प्रस्ताव पर उन्होंने अभी तक कोई कदम उठाया नहीं जब कि इस सदन में दो साल पहले भी बहस हुई थी और उनका वादा था कि हम इस बारे में विचार करेंगे लेकिन कुछ विचार नहीं हुआ। मैं गृह मंत्री से जानना चाहता हूँ, अध्यक्ष महोदय, कि इस प्रस्ताव को, नीति को ये मानते हैं, प्रस्ताव में जो नीतियाँ हैं, जो सिद्धांत हैं उनको ये जब मानते हैं तो उन के मन में दुविधा नहीं रहनी चाहिए इस प्रस्ताव को स्वीकार करने के लिए और अब तो आखिरी वक्त आ गया है। इस साल गांधी जी की जन्मतिथि 2 अक्टूबर को है, उससे पहले जब इसको करेंगे तो हिन्दुस्तान में एक तरह की फिजा बन सकती है, एक तरह का वातावरण बन सकता है और करोड़ों देशवासी और नागरिक समझेंगे कि यह सरकार ने अच्छा कदम अपनाया है।

इतना ही कह करके मैं सदन के सदस्यों से अनुरोध करूँगा कि इस प्रस्ताव को समर्थन दें और इसको बहुमत से पारित करें।

MR. SPEAKER : Resolution moved:

"This House is of opinion that the continuation of tax free payment of privy purses to the former rulers of Indian States and of special privileges is against the democratic and egalitarian principles enshrined in the Constitution, and therefore recommends to the Government to take all necessary steps both executive and legislative to complete the abolition of these payments, subject to an outright rehabilitation lump-sum payment of seven times the annual privy purse amount or a sum of one million rupees, whichever is smaller by the 2nd October, 1969."

SHRI SRADHAKAR SUPAKAR (Sam-
bhalpur) : I beg to move :

That in the resolution, —

omit "enshrined in the Constitution, and therefore recommends to the Government to take all necessary steps, both executive and legislative, to complete the abolition of these payments, subject to an outright rehabilitation lump-sum payment of seven times the annual privy purse amount or a sum of one million rupees, whichever is smaller, by the 2nd October, 1969". (1)

SHRI RANJIT SINGH (Khalilabad) :

I beg to move :

That in the resolution, —

after "that the" *insert* "question of." (2)

That in the resolution, —

for "is against the democratic and egalitarian principles enshrined in the Constitution"

substitute —

"guaranteed to them by compact and under the Constitution be properly examined." (3)

SHRI PRAKASH VIR SHASTRI
(Hapur) : I beg to move :

That in the resolution, —

for "is against the democratic and egalitarian principles enshrined in the Constitution"

substitute

"guaranteed to them by compact and under the Constitution be properly examined taking into account the statements made in the matter by the Government of India from time to time." (4)

SHRI RANJIT SINGH : I beg to move :

That in the resolution, —

for "to take all necessary steps, both executive and legislative, to complete the abolition of these payments, subject to an outright rehabilitation lump-sum payment of seven times the annual privy purse amount or a sum of one million rupees, whichever is smaller, by the 2nd October, 1969"

substitute—

"thereafter to proceed expeditiously

in the matter in a manner that does not endanger the integrity of India or her territorial status which derives from and is based upon the compacts with the said Rulers." (7)

SHRI PARTAP SINGH (Simla) : I beg to move :

That in the resolution, —

for "to take all necessary steps, both executive and legislative, to complete the abolition of these payments, subject to an outright rehabilitation lump-sum payment of seven times the annual privy purse amount or a sum of one million rupees, whichever is smaller, by the 2nd October, 1969."

substitute —

"thereafter to proceed expeditiously in the manner that does not do injury to the credit and honour of India." (8)

SHRI SHEO NARAIN (Basti) : I beg to move :

That in the resolution, —

for "to take all necessary steps, both executive and legislative, to complete the abolition of these payments, subject to an outright rehabilitation lump-sum payment of seven times the annual privy purse amount or a sum of one million rupees, whichever is smaller, by the 2nd October, 1969"

substitute —

"thereafter to proceed expeditiously in the matter in a manner that would have the approval and blessing of the Father of the Nation." (9)

SHRI PRAKASH VIR SHASTRI : I beg to move :

That in the resolution, —

for "to take all necessary steps, both executive and legislative, to complete the abolition of these payments, subject to an outright rehabilitation lump-sum payment of seven times the annual privy purse amount or a sum of one million rupees, whichever is smaller, by the 2nd October, 1969"

substitute —

"thereafter to proceed expeditiously in the matter in consultation with the said Rulers." (10)

MR. SPEAKER : This Resolution was taken up at 4.30 p.m. It has been given one and a half hours. I know that the time allotted is very little for an important Resolution like this. Anyhow, it can have only one hour today because Dr. Ramen Sen wants his Resolution to be moved and everything has to be over by 5.30 p.m. So, this discussion will over-flow to the next day. We will continue this discussion up to 5.30 p.m.

SHRI R. D. BHANDARE (Bombay Central) : So far as the principle underlying this Resolution is concerned, I think the whole House agrees with it. So far as the Congress Party is concerned, it is committed to this principle. Two questions arise here—when that principle should be implemented and the method by which that principle should be implemented.

I shall first deal with the second question, namely, method of implementation of that principle. First of all, will it be proper, advisable, constitutional and moral to abolish the privy purses and privileges by the fiat of a Resolution? Here I am speaking only on the question of method. To the question whether we will be able to do it by a Resolution my answer will be that by a Resolution we would not be able to amend the Constitution...

SHRI S. KANDAPPAN (Mettur) : The Resolution is only to urge the government to take steps.

SHRI R. D. BHANDARE : Am I not aware of the fact that as far as the principle is concerned, there is no dispute so far as we are concerned? The whole trouble arises regarding the question of procedure. It cannot be done by a mere Resolution. That is my view. I say, because of the constitutional position, by a mere Resolution it cannot be done.

The reason why I am saying so is that we have got to go to the past history as to how the privileges and privy purse were incorporated in our Constitution. At the time of Partition, our country had to face a number of difficult problems. After the withdrawal to British power, the two questions arose. How to retain the integrity of the country was the first question and how to retain a stable Government, a stable rule, in this country was the second

question. At that time—I need not mention that—there were a number of princely States, more than 600. Now, as soon as there was the withdrawal of British power, a political vacuum was created because of the lapse of the Paramountcy. Therefore, the question arose what should be done in order to rope in all the princes so that the integrity of the country could be achieved. It was open—I hope that proposition will not be disputed—for the princes either to join the Indian Union or not to join the Indian Union. But I am glad that because of the firm action taken or rather a fair award given by late Sardar Patel and also the gesture made by the princes that the integration was achieved and a Covenant was entered into. In legal parlance, I say, it was an act of succession and, as soon as there was the withdrawal of British power, the rulers acceded to the Indian Union and that act of succession was entered into a Covenant.

Now, the question arises whether by a mere Resolution or by a simple method or by a simple majority we can break the Covenant or give up the Covenant. The question arises whether we should attach any sanctity to the Covenant or we should not attach any sanctity to the Covenant. My answer will be that we have to, if the affairs of the big nations are to be conducted, respect the Covenant which was entered into. That was not enough. At that time, it was felt by the founding fathers of the Constitution and those who were party to the act of succession and the Covenant that the Covenant or an agreement should be sanctified by the Constitution itself.

SHRI DHIRESWAR MALITA (Gauhati) : May I remind you that Hyderabad did not accede to India or come under the Covenant or an agreement? we had to conquer it?

SHRI R. D. BHANDARE : My hon. friend is raising an extraneous matter. Here we are not concerned with Hyderabad or Nizam. We are first concerned with the Act of Accession secondly with the covenant and thirdly with the Constitutional provision which was accepted as a result of the Act of Accession and the Covenant.

SHRI DHIRESWAR KALITA :
What about Nizam ?

MR. SPEAKER : That can be dealt with separately.

SHRI R. D. BHANDARE : I am confining myself to the body of the Resolution and the principles underlying the Resolution. I am not dealing with extraneous matters.

Therefore, the question arises whether we should give up, by a simple Resolution, the conventions and the Constitutional provisions. I think, even the rulers, will come to the same conclusion that in a democratic set-up there cannot be a separate treatment, a special treatment. I am sure that they will not insist upon this because democracy is not only a form of government but is it a way of life. Under that way of life, we have accepted the principles that all persons, irrespective of their place and position in the society, must stand on the same base and between the same parallels. That is the democracy principle. That is the principle of equality. All must be treated alike. The same principle is described in some other language. The principle of equality necessarily means that all must be treated alike. I doubt very much, in their wisdom, the rulers will go to the extent of denying or destroying that principle. It is true that patriotism compelled and impelled the princes to join the Union and their noble act cannot be forgotten. In this connection, I would like to say that I am quite aware of the fact which was described by the then President, Dr. Rajendra Prasad. When he went to Bikaner, he had spoken there. He said that the great move for the unification of India could materialise primarily because of the goodwill and ready-willingness of princes like Maharaja Sadhu Singhji, to participate in Constitution-making and to send their representatives to the Constituent Assembly of India. It was a difficult task at that time, it was too difficult to be described in words, because but for this kind of wilful cooperation, India might have remained split into several bits. It redounds to the credit of late Maharaja of Bikaner that, by his bold decision, he gave a correct and timely lead to our princes, and this eventually resulted in the accession of not only Bikaner but all the princely

States. This noble act, this noble action, on the part of the ruler of the Bikaner State cannot be forgotten. It has been written down in gold letters in the history of the country. The accession has also been written in the Constitution. The covenant has been incorporated in the Constitution.

Therefore, my suggestion is that the hon. Member mover of the Resolution should withdraw his Resolution because we accept the principle underlying it and we can at the proper time bring an amendment to the Constitution whereby this can be done.

SHRI M. R. MASANI (Rajkot) : The mover of the Resolution brought in some extraneous matter concerning what happened in certain States in Orissa prior to Independence and merger. I would not like to waste any time on that irrelevance except to say that this sob staff sounded ironic in the light of the fact that Shri R. N. Singh Deo, a member of princely order, is the highly respected and popularly elected Chief Minister of that State and that my young friend Shri P. K. Deo Raja of Dhenkanal has been elected to the Lok Sabha by the vote of his people.

17 hrs

Now, I would like to confine myself to the first two lines of the Resolution to which Mr. Bhandare referred, because if the premises cannot be sustained, the rest of the Resolution is utterly useless and irrelevant.

I happened to be a Member of the Constituent-Assembly which framed the Constitution with its democratic and equalitarian principles, but which also provided for the Privy Purses and the Privileges of the Princes. Let us first deal with the first principle of equalitarianism. This is an ambiguous word.

It is true that the Constitution in its Preamble has prescribed for equality of status and of opportunity but that is not absolute equality. There is no principle of economic equality prescribed in the Constitution and even in respect of the principle of equality of status, there are many exceptions embodied, like the reservation of seats for the Scheduled Castes.

and Scheduled Tribes, which is a violation of the equality of status. There are various provisions for the production of minorities which are quite right, and there are special provisions regarding the Indian Civil Service and even Government employes of all ranks, and so on. What is important is Social Justice. That is important and not equality and the two are very different. Even Stalin, the Soviet Dictator, said many years ago :

"Equality has nothing to do with socialism. It is a petty bourgeois deviation worthy of a primitive society."

Therefore, equality is not a principle that comes in the way.

As Mr. Bhandare has said, these were not concessions unilaterally granted ; these were bilateral treaties entered into between contracting parties. The Princes gave away a great deal. They gave away their sovereignty. They gave away their territory. They gave their States. They gave away all their privileges. I would like to quote from a book written by Shri V. P. Menon, who, along with Sardar Vallabhai Patel, did much for the unification of India. He said :

"There has been a tendency recently to regard the price paid for integration in the shape of privy purses as too high. We cannot strike a balance sheet without juxtaposing the assets against the liabilities. For this purpose we may ignore the consummation of the great ideal of a united and integrated India which has affected the destinies of millions of people ; the federal sources of income including the railway system of about 12000 miles which the States surrendered to the Centre without any compensation; and the abolition of internal customs as a result of integration, which has greatly benefited trade and commerce in the country. But we should certainly take into account the assets we have received from the States in the shape of immense cash balances and investments amounting to Rs. 77 crores as well as buildings and palaces. If these are weighed against the total amount of the privy purse, the latter would seem insignificant."

All that has happened is this. This agreement has been made between two con-

tracting parties. One of them gave up much more than the other, but was to have partial compensation. Now, I may say that compensation is highly consistent with democracy ; it is only expropriation that is undemocratic. It is only fascist and communist dictatorships which expropriate. Democratic socialist countries are always prepared to give compensation. And for the Mover of the Resolution to say that compensation is undemocratic is utterly baseless.

The Princes brought into India, into the Indian Union, not less than 48% of the area of the Dominion of India and 28% of the population of the Dominion, and in return they got this paltry privy purse and these small privileges. This was just and reasonable compensation which is in our Constitution and is therefore highly democratic. Not to give this compensation or to depart from it will be violation of democracy.

How can people swear by the Constitution—one part of it—and go against another? Does it mean that Pandit Jawaharlal Nehru was an enemy of socialism, of equality and democracy? Does it mean that Sardar Patel was not a believer in democracy? What had he to say? When he presented this provision to the Constituent Assembly, to us there, Sardar Patel said :

"In commending the various provisions concerning the States to the House, I would ask the honourable Members to view them as a coordinated overall settlement of a gigantic problem. A particular provision isolated from its context may give a wholly erroneous impression. The form in which the Rulers find recognition in the new Constitution of India in no way impairs the democratic set-up of the State. The Rulers have made an honourable exit."

Sir, I recall that a little before his death, I was visiting Sardar Patel and just then the Praja Mandal Ministry in Gwalior

I would request the Home Minister, Shri Chavan, to listen and not to show utter contempt for this debate.....

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : I was talking to a prince.

SHRI M. R. MASANI : Let him not waste time on Princes. Commoners are much more worthwhile listening to.

Sir, I was talking about a conversation which I had with Sardar Patel after the Integration of India. At that time, the Praja Mandal Ministry was there in Gwalior and they had fired on students in Gwalior. There was then an uproar in Gwalior and a demand for an inquiry. Just then I happened to be calling on the Sardar in Bombay. He was very bitter. I do think he repented of what he had done but was sore about what had happened. I remember his words. He said : "Masani, we used to say formerly that these Rulers were being propped up by the bayonets of the British Army. But who do you think is propping up this Praja Mandal Ministry in Gwalior ? It is my bayonets. If they are withdrawn, the people will drive away these people and put the Princes back on their thrones".

Even the Congress Working Committee Resolution of June 1967 held a very different view from what Shri Rabi Ray is now asking the Government to accept. The Working Committee introduced in its ten-point resolution the following draft :

"The privileges *other than the privy purses* enjoyed by ex-rulers are incongruous to the concept and practice of democracy."

An amendment was moved by a backbencher, Shri Mohan Dharla, and by a snap vote in an empty house where there was not even a quorum, that amendment was accepted.

I would like to draw the attention of the House to the fact that, in the considered opinion of the Congress Working Committee in June 1967, the Privy purses were compatible with democracy, but the smaller privileges were incongruous. But by the vote by a handful of people, what was democratic became undemocratic in a few moments. That is the precious principle that Shri Bhandare wants us to accept.

The real point is this. These are Petty issues and the interest shown in them is the result of petty minds. I am glad that the Congress President has once again talked some sense on the subject. I am sorry to have to quote Shri Nijalingappa every day. Only yesterday I had to quote him on the Plan. This morning I read in the

newspapers that Shri Nijalingappa yesterday expressed regret that "certain elements in the Party are harping on small issues like privy purses." I cannot help it if the Congress President talks sense. It is my good fortune to be able to quote him.

Sir, the real issue is a moral one. Is it right to break promises solemnly made ? Is it right to break Treaties into which a country enters with its hands completely free ? These commitments were made by Sardar Patel and the Government of India and passed in the Constituent Assembly completely freely. We entered into them because we thought that they were fair and they were just, and as I said just now, Sardar Patel was grateful to the other party to the contract. Is it right and proper that the same Government—there is not even a change of government—that entered into these contracts should now consider such a shameful breach of faith as going back on them ? This is the real issue before the House.

The Mover of the resolution has a funny or good sense of humour. He suggested that we should choose the birthday of Mahatma Gandhi as the day on which we should be guilty of this breach of faith. If he had known Mahatma Gandhi a little as some of us did, he would have realised that Mahatma Gandhi attached the greatest value to truth and to the pledged word. Whenever he gave a little promise he saw to it that he would carry it out. I think it is an insult to the memory of that great man to suggest that on his birthday of all days we should go in for this shameful or shameless breach of faith.

There is a section in the India Penal Code to which I would like to draw the attention of the hon. Home Minister, namely section 415. Let him read it carefully. It relates to the act of cheating for which a sentence in jail is prescribed. Any attempt to do away with the contract made by his predecessors will amount to an act of cheating. If he were a common citizen, a court would find him guilty because he would have deceived other people into abandoning what is theirs, he has reduced their bargaining power and he has put them at his mercy and then he goes back on what he had promised. This would amount to an act of cheating. Pandit Jawaharlal Nehru and Sardar Patel

were honourable men. They had no such intention that their successors should go back on their pledged word, But the moral crime would be just as great as if the hon. Minister was himself committing that act of cheating in the year 1947-48, because like me, he too was a party to this deal, as a member of this Party—I do not remember if he was in the Constituent Assembly—and as a member of the Bombay Government, and he was therefore as much involved as all the rest of us. I would appeal to him to have some regard for the sense of honour that he owes to himself and to those for whom he speaks.

Then, consider the effect on the confidence of the people in the morality of this Government and the validity of our Constitution. If one part of the Constitution can be violated, what are our Fundamental Rights worth? And what are the obligations of Government worth? Then, consider the effect abroad. The effect on the credit of the country abroad must also be considered. If this Government can break its pledges to the princes of India, why should the foreign creditors and the people who give money to this country expect it to honour the commitments that we make?

These are very good reasons, apart from abstract morality. I would appeal to the hon. Minister to think again. He will do himself and that great Party to which I belonged at that time when we made that pledge to the Princes a great injustice; he will be doing a great injustice to this country and to his own party and to himself if he allows himself to be pushed into an acceptance of this wrong principle. I was then a Member of the Party to which the hon. Minister belongs, and...

SHRI Y. B. CHAVAN : But be left that party.

SHRI M. R. MASANI : ...I would not like him to let down his Party, to which I then belonged, because I also share in that responsibility and if he does that he proposes to do, then I shall also be made to share his guilt, and I would not like to share the guilt of a breach of faith.

Therefore, we oppose both the principle of this resolution and its terms.

MR. SPEAKER : Now, Shri Himatsingka. The hon. Member is absent. Shri K. N. Tiwary. He is also absent. Then, Shri Sita Ram Kesri. He is also absent. They have given their names, but none of them is here. Now, Shri S. Kandappan.

SHRI SRADHAKAR SUPAKAR : You may call other Members from the Congress Party now.

MR. SPEAKER : It is not my job to manage his party's affairs.

श्री शशिभूषण (खारगोन) : अध्यक्ष महोदय, मेरा नाम है ।

MR. SPEAKER : The hon. Member's name is not here.

SHRI SHASHI BHUSHAN : I had written to you.

MR. SPEAKER : The party has submitted a list to me and the hon. Member's name is not there in that. Let there be no controversy about it now. Let the hon. Member resume his seat. I have read out the names that were given by the party. I have got a dozen other names. That does not mean that I should flout the list given by the party.

श्री शशिभूषण : प्राइवेट रेजल्यूशन पर हमेशा यह हुआ है कि हम आप को नाम देते हैं और आप यहां उस में पार्टियों को ला रहे हैं।

MR. SPEAKER : I do not know. His party has submitted the list. I have got the names of other people also. I have got a dozen names before me apart from the names given by the Congress Party. The Party has given me a list and after that list is exhausted, perhaps I could call anybody else as I choose.

The party has given names, but within five minutes I find that the Members have disappeared; they give their names but they disappear. I do not know what is to happen.

श्री प्रबन्धन वर्मा (हमीरपुर) : जनाब मैं एक अजें करना चाहता हूं, आप इस कुर्सी पर विराजमान हैं, आप का भी तो बहुत कुछ हक है, आप का डिस्कीशन है ,...

MR. SPEAKER : I do not want to flout any party lists. I must honour those lists, because otherwise I shall get into trouble.

SHRI NARENDRA SINGH MAHIDA (Anend) : I may bring to your notice that on private Member's resolutions, the question of party does not come in.

MR. SPEAKER : Now, Shri S. Kandappan has the floor of the House.

SHRI S. M. BANERJEE (Kanpur) : If they are so indisciplined, why don't you derecognise them, Sir ?

SHRI S. KANDAPPAN (Mettur) : I support the Resolution moved by Shri Rabi Ray. I am wondering why Government, and some members of their party, are very much agitated and concerned over the commitment they had made earlier to the princes and why they do not seem to be concerned at all about the word given by Government on the floor of the House that they are going to abolish the privy purses. This pledge was given to us the elected representatives of the people. Since then two years have passed and I do not know whether they are ever going to fulfil it in the near future.

SHRI SHASHI BHUSHAN : Shri Himatsingka says he does not know about his having to speak and his name having been given.

MR. SPEAKER : I am not interested in that. Am I to take the official list given by their party or not ? Is it a question of controversy here ? I am not interested what passes between the Chief Whip and their members. The Chief Whip himself has signed it. His name is there. Even the spelling is the same—Shri P. D. Himatsingka. So there is no mistake about it.

SHRI HIMATSINGKA (Godda) : I was not told.

SHRI S. KANDAPPAN : I do not know why Government are so much wavering and luke-warm in their approach to this question.

श्री प्रेमचन्द वर्मा : अध्यक्ष महोदय, हम तो अब चलते हैं सुबह से शाम तक बैठे रहते हैं फिर भी मौका नहीं मिलता है। मैंने आपको चिट्ठी भी लिखी थी लेकिन आपने नहीं बोलने दिया। हम तो सिर्फ कोरम पूरा करते हैं...

MR. SPEAKER : If he wants to go, he may quietly leave. I do not mind. There need be no argument about it. If quorum is not there, the House will be adjourned.

SHRI S. KANDAPPAN : What is happening to my privileges—I do not know. Everybody is taking away my time.

SHRI S. M. BANERJEE : There is no discipline in that party at all.

SHRI SHEO NARAIN : He is well disciplined.

SHRI S. KANDAPPAN : Instead of trying to pretend that they are going to do something and really serious to abolish the privy purses and privileges, I hope they will at least while replying to this debate make their position clear to the House and to the country at large, because I have a suspicion that they have been presurised and they are not in a position to honour the pledged word given on the floor of the House to members.

SHRI M. R. MASANI : They had no right to make such a commitment.

SHRI S. KANDAPPAN : They should make their position clear as to why they are not keeping up to their promise to this House. After the 1967 elections, discussion took place here and then the Home Minister, Shri Chavan, very categorically said that he was for abolition of the privy purses and privileges of the princes, and that soon he was going to introduce a Bill to that effect. Two years have since elapsed. In between, there has been a lot of wavering statements and hesitant approaches to this problem. But whenever this question was taken up here, Shri Chavan was very categorical. He never denied his earlier commitment to the House.

In the *Hindu* of July 4, 1968, I find this passage :

"The Government of India has finally decided to scrap the princely privileges and privy purses. A scheme prepared by the Home Ministry in this regard was broadly endorsed by the Internal Affairs Committee of the Cabinet which discussed the issue for about an hour today. While the privileges of ex-rulers are to be withdrawn immediately, the amount of privy purses is to be paid on a salb system for a specified period which may be 20 or 25 years so that its abolition does not cause undue financial difficulties. The scale of payments worked out by the Ministry gives generous treatment to the smaller princes".

But till today even this diluted form of implementation has not taken place. I say this is diluted because I do not find any princes in this country, the progenies of the old princely families, who are just trying to eke out a livelihood and have not enough to make both ends meet.

After all we know them; they are our good friends. We know they are quite well off. They do other businesses and other work. In fact I am pained when a speaker argued on the principle of honouring agreements or commitments that they should go on getting the privy purse. I feel that it is rather humiliating and it is not good for any man of self-respect to expect unearned income from the Government of a poor country. In fact I feel that the princes should themselves come forward to voluntarily relinquish it. Not even a single person has done so.

SHRI NARENDRA SINGH MAHIDA: I have surrendered it in 1948.

SHRI S. KANDAPPAN: Others should have followed suit; some how it has not happened.

Some say that it was a free covenant and a sort of gentleman's agreement entered into with ex-rulers and should not be violated and that it was not good for a great country like ours. They seem to be concerned about the image of India which will suffer in the international scene. Mr. Masani said something about a few States where people were keen to reinstate them.

SHRI M. R. MASANI: I did not say so; Sardar Patel said so.

SHRI S. KANDAPPAN: You quoted Mr. Patil. I also happened to read some kind of old writings on this particular item. But I should like to know in how many of the 600 States people were so anxious and are so attached to their ancient rulers that they would not be willing to merge with the Indian nation?

SHRI M. R. MASANI: Would you advocate a plebescite?

SHRI S. KANDAPPAN: If it can be agreed on all fronts. That would not be advisable because I feel that the public mood is rather against the privy purses and privileges. In fact as far as I know most of the States ruled by erstwhile rulers with the exception of a few States scattered here and there where the people might have been attached to the royal houses, the mood of the people on the whole was otherwise; they were on the verge of revolt and the rulers were saved by the national leaders by this arrangement. That is how I look at it.

There is another important aspect. We are a democratic country and in a democratic country the entire territory of the State belongs to the whole people, not to the royal families alone. Did the rulers attach any importance to the will of the people when they entered into this agreement with the Government of India and Mr. Patel signed that agreement and the ruler also signed that agreement? Were they not treated as chattels and private property? Mr. Masani quoted the assets of the various royal families.

17.25 hrs.

(Shri R. D. Bhandare in the Chair)

Were all their personal assets? How did they amass and accumulate so much wealth? Is it not obnoxious and repugnant to the democratic ideals to think that the assets of the royal household belonged to the ruler alone and not to the people? I am unable to reconcile myself to this feeling.

AN HON. MEMBER: Not all property.

SHRI S. KANDAPPAN : If you concede that it is public property, then did you consult the public while you accepted the privy purse? You came to this agreement and this merger as if it is your own property and you did it out of your own free volition, the surrendering of the entire property to the Government of India, with out taking into consideration the people who mostly matter. So, this argument that it is a very solemn agreement which we should honour is not convincing to me.

Apart from that, there is another aspect. After all, it is more than two decades since the so-called agreement took place. The situation has changed. Is it anybody's argument that in a democratic, developing country, some agreement entered into some two or three decades back even after circumstances have changed, should be honoured? (*Interruptions*)

AN HON. MEMBER : Question.

SHRI S. KANDAPPAN : A lot of changes have taken place.

MR. CHAIRMAN : Do not take any notice of the interruptions.

SHRI S. KANDAPPAN : It is very difficult when the interruption comes from very close colleagues.

SHRI R. K. AMIN (Dhandhuska) : May I tell him that most of the princes who contested the elections got elected.

SHRI S. KANDAPPAN : So what? A lot of changes have taken place. Even the Constitution which was formulated and accepted by this country was changed many a time. I am sure that you would not be reluctant to support some of the amendments to the constitution. It is not, therefore, a question of any sacredness being attached to it, and it is not a question of the image of the country abroad and all that. If you are reluctant, even at this stage, to abolish the privy purse, I do not think any democratic country in the world will take you seriously; I do not think the democratically minded people will take you seriously. It is a very abnoxious idea. I would appeal on that score—not even on the question of money—to the princes and their concord and those who

are enjoying these privileges to come forward themselves voluntarily to surrender the privileges, because it is not good for them. I feel it is wanting in self-respect of any decent man to live perpetually on unearned income; this is unearned income and tax-free at that which they should be prepared to surrender voluntarily. So, I fully support this resolution.

I would add one more word with regard to the argument that you had advanced when you happened to be in your seat here: that the mover of the resolution is not just pretending or imagining that by a very simple resolution being passed here, we are going to abolish the privy purse. It is only an enabling measure. When we pass this resolution, we accept that the Government would come forward to make the requisite changes in the Constitution and other codes so that the privy purse may be abolished.

I hope and wish and I do not feel that our Home Minister, Shri Chavan, was very sincere when he made the statement. But I do not know what sort of difficulties his party or he himself got into that he is not able to come forward in this respect. It is high time that the Government should make up its mind to abolish the privy purse.

MR. CHAIRMAN : Now it is 5.30. Let us proceed to the half-an-hour discussion.

11.30 hrs.

HALF-AN-HOUR DISCUSSION

Delhi Police Commission's Report

श्री रामाबतार शास्त्री : सभापति महोदय, पुलिस की जो व्यवस्था आज हमारे देश में है वह व्यवस्था वही पुरानी है जो अंग्रेजों के जमाने में थी। और अंग्रेजों ने हमारे देश में पुलिस की व्यवस्था इस उद्देश्य से की थी कि हमारे देश में जो स्वतंत्रता संग्राम चलता था, हमारे यहां की जो जनता लड़ती थी अपने हकों के लिये, उस को बताया जाय ;

उन आन्दोलनों को दबाना उनको शून्य में डुबाना ही अंग्रेजी राज्य की पुलिस और फौज